

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2013

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No. 12-20156  
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Lyle W. Cayce  
Clerk

In the Matter of: HEIGHTS MELROSE GROUP, L.L.C.,

Debtor,

HEIGHTS MELROSE GROUP, L.L.C.,

Appellee,

v.

ICITY CONDO, INC.; ISSAC KYLE,

Appellants.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:11-CV-3531  
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Before REAVLEY, PRADO, and ELROD, Circuit Judges.

PER CURIAM:\*

At issue is the ownership of a group of condominium units (“the Property”) in a Houston, Texas neighborhood called “the Heights.” Heights Venture, Ltd. (“Heights Venture”) purchased the Property in 2004. At the time, the Property was an apartment complex on an undivided tract of land. Heights Venture

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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partnered with Appellees ICity Condo, Inc. (“ICity”) and Issac Kyle (ICity’s Chief Executive Officer) to reconstruct the Property as a condominium development.

The Property went into foreclosure in 2009, and Appellee Heights Melrose Group, L.L.C. (“Heights Melrose”) purchased it pursuant to a foreclosure sale (the “Foreclosure”). ICity and Kyle contend the Foreclosure was invalid, and that Heights Melrose has no ownership interest in the Property.

Because we agree that ICity lacks standing to challenge the Foreclosure and the Foreclosure was valid in any event, as explained in the thorough and well-reasoned Report and Recommendation and Supplemental Report and Recommendation of the bankruptcy court and adopted by the district court, we **AFFIRM.**